

Part 5

Scope of Practice - Unlawful and Unprofessional Conduct - Penalties

58-70a-501 Scope of practice.

- (1) A physician assistant may provide any medical services that are not specifically prohibited under this chapter or rules adopted under this chapter, and that are:
 - (a) within the physician assistant's skills and scope of competence;
 - (b) within the usual scope of practice of the physician assistant's supervising physician; and
 - (c) provided under the supervision of a supervising physician and in accordance with a delegation of services agreement.
- (2) A physician assistant, in accordance with a delegation of services agreement, may prescribe or administer an appropriate controlled substance if:
 - (a) the physician assistant holds a Utah controlled substance license and a DEA registration;
 - (b) the prescription or administration of the controlled substance is within the prescriptive practice of the supervising physician and also within the delegated prescribing stated in the delegation of services agreement; and
 - (c) the supervising physician cosigns any medical chart record of a prescription of a Schedule 2 or Schedule 3 controlled substance made by the physician assistant.
- (3) A physician assistant shall, while practicing as a physician assistant, wear an identification badge showing his license classification as a practicing physician assistant.
- (4) A physician assistant may not:
 - (a) independently charge or bill a patient, or others on behalf of the patient, for services rendered;
 - (b) identify himself to any person in connection with activities allowed under this chapter other than as a physician assistant; or
 - (c) use the title "doctor" or "physician," or by any knowing act or omission lead or permit anyone to believe he is a physician.

Amended by Chapter 38, 1998 General Session

58-70a-502 Unlawful conduct.

"Unlawful conduct" includes engaging in practice as a licensed physician assistant while not under the supervision of a supervising physician or substitute supervising physician.

Amended by Chapter 72, 2014 General Session

58-70a-503 Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) violation of a patient confidence to any person who does not have a legal right and a professional need to know the information concerning the patient;
- (2) knowingly prescribing, selling, giving away, or directly or indirectly administering, or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts prescribed or provided;
- (3) prescribing prescription drugs for himself or administering prescription drugs to himself, except those that have been legally prescribed for him by a licensed practitioner and that are used in accordance with the prescription order for the condition diagnosed;

- (4) failure to maintain at the practice site a delegation of services agreement that accurately reflects current practices;
- (5) failure to make the delegation of services agreement available to the division for review upon request;
- (6) in a practice that has physician assistant ownership interests, failure to allow the supervising physician the independent final decision making authority on patient treatment decisions, as set forth in the delegation of services agreement or as defined by rule; and
- (7) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.

Amended by Chapter 72, 2014 General Session

58-70a-504 Penalty for unlawful conduct.

- (1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- (2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (1)(e) or Section 58-70a-502 is guilty of a class A misdemeanor.

Enacted by Chapter 229, 1997 General Session

58-70a-505 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.

- (1) As used in this section:
 - (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
 - (b) "Increased risk" means the same as that term is defined in Section 26-55-102.
 - (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
 - (d) "Opiate-related drug overdose event" means the same as that term is defined in Section 26-55-102.
 - (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- (2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
 - (a) in a good faith effort to assist:
 - (i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - (ii) a family member of, friend of, or other person, including a person described in Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).
- (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 202, 2016 General Session, (Coordination Clause)

Amended by Chapter 202, 2016 General Session

Amended by Chapter 207, 2016 General Session

Amended by Chapter 208, 2016 General Session